

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1380

Introduced by Senator Mitchell

(Coauthors: Senators Allen, Hertzberg, Liu, and Wieckowski)

(Coauthors: Assembly Members Campos and Thurmond)

February 19, 2016

An act to add Chapter 7 (commencing with Section 8260) to Division 8 of the Welfare and Institutions Code, relating to ~~homelessness~~ homelessness, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1380, as amended, Mitchell. ~~Homelessness: coordinating council.~~
Homeless Coordinating and Financing Council.

Existing law establishes various programs, including, among others, the Emergency Housing and Assistance Program, to provide assistance to homeless persons.

This bill would ~~declare the intent of the Legislature to enact legislation to establish a coordinating council on homelessness; require a state agency or department that funds, implements, or administers a state program that provides housing or housing-related services to people experiencing homelessness or at risk of homelessness, except as specified, to revise or adopt guidelines and regulations to include enumerated Housing First policies. The bill would also establish the Homeless Coordinating and Financing Council to oversee the implementation of the Housing First guidelines and regulations and, among other things, to identify resources, benefits, and services that can be accessed to prevent and end homelessness in California. The bill would establish the Homeless Trust Fund, a continuously~~

appropriated fund, to receive specified grant moneys and fund the administrative costs of the council, as specified.

By authorizing the deposit of moneys into a continuously appropriated fund, this bill would make an appropriation.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~
yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California leads the nation in the number of homeless
4 residents with 115,738 people experiencing homelessness at some
5 point, which is 21 percent of the nation's total. California also
6 leads the nation in the number and ratio of chronically homeless
7 residents with 29,178 chronically homeless residents at any point
8 in time, which is 31 percent of the nation's total.

9 (b) Homelessness is expensive to the state and local
10 governments. A homeless person receiving general assistance in
11 Los Angeles County, for example, incurs \$2,897 per month in
12 crisis response services.

13 (c) *A chronically homeless Californian moving into "supportive
14 housing" is able to reduce costs he or she incurs by almost 80
15 percent. Moving an individual or family experiencing chronic
16 homelessness to housing stability costs less than the resulting
17 savings in public expenditures.*

18 (e)

19 (d) Following the example of other states, as well as jurisdictions
20 within California, it is the intent of the Legislature to adopt a
21 ~~housing-first~~ "Housing First" model for all state programs funding
22 housing for people experiencing homelessness or at risk of
23 homelessness.

24 (d)

25 (e) ~~Housing-first~~ First is an evidence-based model of ending all
26 types of homelessness and is the most effective approach to ending
27 chronic homelessness. ~~Housing-first offers individuals and families
28 experiencing homelessness access to permanent affordable or
29 supportive housing with a low-threshold for entry, as it does not
30 impose clinical prerequisites like completion of a course of
31 treatment or evidence of sobriety. The federal government~~

recognizes that ~~housing-first~~ *Housing First* yields high-housing retention rates, low returns to homelessness, and significant reductions in crisis or institutional care.

(e)

(f) Homelessness affects multiple systems in California. Though almost every state with significant homeless populations has established a council to coordinate a ~~housing-first-oriented~~ *Housing First-oriented* response to homelessness, California does not have an any entity to manage the state's ~~response~~. *response to homelessness*.

(f)

(g) California participated in a ~~federally-funded policy academy~~ *federally funded Policy Academy* to reduce chronic homelessness. That ~~policy academy~~ *Policy Academy* succeeded in revising programs administered by the California's Department of Housing and Community Development, *Development (HCD) administers*, and in attracting federal funding opportunities requiring collaboration between the ~~Department of Housing and Community Development~~ *HCD* and the State Department of Health Care Services. To implement additional successes, it is essential that California ~~has~~ *have* a coordinating council on homelessness.

(g) ~~It is therefore the intent of the Legislature to enact legislation to establish a coordinating council on homelessness.~~

SEC. 2. Chapter 7 (commencing with Section 8260) is added to Division 8 of the Welfare and Institutions Code, to read:

CHAPTER 7. HOUSING FIRST AND COORDINATING COUNCIL

8260. For purposes of this chapter:

(a) "Coordinating Council" means the Homeless Coordinating and Financing Council established pursuant to Section 8262.

(b) "Core components of Housing First" means all of the following:

(1) Tenant screening and selection practices that promote accepting applicants regardless of their sobriety or use of substances, completion of treatment, or participation in services.

(2) Applicants are not rejected on the basis of poor credit or financial history, poor or lack of rental history, criminal convictions unrelated to tenancy, or behaviors that indicate a lack of "housing readiness."

1 (3) Acceptance of referrals directly from shelters, street
2 outreach, drop-in centers, and other parts of crisis response
3 systems frequented by vulnerable people experiencing
4 homelessness.

5 (4) Supportive services that emphasize engagement and
6 problem-solving over therapeutic goals and service plans that are
7 highly tenant-driven without predetermined goals.

8 (5) Participation in services or program compliance is not a
9 condition of permanent housing tenancy.

10 (6) Tenants have a lease and all the rights and responsibilities
11 of tenancy, as outlined in California's Civil, Health and Safety,
12 and Government codes.

13 (7) The use of alcohol or drugs in and of itself, without other
14 lease violations, is not a reason for eviction.

15 (8) In communities with coordinated assessment and entry
16 systems, incentives for funding promote tenant selection plans for
17 supportive housing that prioritize eligible tenants based on criteria
18 other than "first-come-first-serve," including, but not limited to,
19 the duration or chronicity of homelessness, vulnerability to early
20 mortality, or high utilization of crisis services. Prioritization may
21 include triage tools, developed through local data, to identify
22 high-cost, high-need homeless residents.

23 (9) Case managers and service coordinators who are trained
24 in and actively employ evidence-based practices for client
25 engagement, including, but not limited to, motivational interviewing
26 and client-centered counseling.

27 (10) Services are informed by a harm-reduction philosophy that
28 recognizes drug and alcohol use and addiction as a part of tenants'
29 lives, where tenants are engaged in nonjudgmental communication
30 regarding drug and alcohol use, and where tenants are offered
31 education regarding how to avoid risky behaviors and engage in
32 safer practices, as well as connected to evidence-based treatment
33 if the tenant so chooses.

34 (11) The project and specific apartment may include special
35 physical features that accommodate disabilities, reduce harm, and
36 promote health and community and independence among tenants.

37 (c) "Homeless" has the same definition as that term is defined
38 in Section 91.5 of Title 24 of the Code of Federal Regulations.

39 (d) (1) "Housing First" means the evidence-based model that
40 uses housing as a tool, rather than a reward, for recovery and that

1 *centers on providing or connecting homeless people to permanent*
2 *housing as quickly as possible. Housing First providers offer*
3 *services as needed and requested on a voluntary basis and that*
4 *does not make housing contingent on participation in services.*

5 (2) *“Housing First” includes time-limited rental or services*
6 *assistance, so long as the housing and service provider assists the*
7 *recipient in accessing permanent housing and in securing*
8 *longer-term rental assistance, income assistance, or employment.*

9 (e) *“State programs” means any programs a California state*
10 *agency or department funds, implements, or administers for the*
11 *purpose of providing housing or housing-based services to people*
12 *experiencing homelessness or at risk of homelessness, with the*
13 *exception of federally funded programs with requirements*
14 *inconsistent with this chapter.*

15 8261. (a) *Agencies and departments administering state*
16 *programs created on or after July 1, 2017, shall collaborate with*
17 *the Coordinating Council to adopt guidelines and regulations to*
18 *incorporate core components of Housing First.*

19 (b) *By July 1, 2019, agencies and departments administering*
20 *state programs in existence prior to July 1, 2017, shall collaborate*
21 *with the Coordinating Council to revise or adopt guidelines and*
22 *regulations that incorporate the core components of Housing First.*

23 8262. (a) *Within 180 days of the effective date of the measure*
24 *adding this chapter, the Governor shall create a Homeless*
25 *Coordinating and Financing Council.*

26 (b) *The Coordinating Council shall have the following goals:*

27 (1) *To oversee implementation of this chapter.*

28 (2) *To identify mainstream resources, benefits, and services*
29 *that can be accessed to prevent and end homelessness in*
30 *California.*

31 (3) *To create partnerships among state agencies and*
32 *departments, local government agencies, participants in the United*
33 *States Department of Housing and Urban Development’s*
34 *Continuum of Care Program, federal agencies, the United States*
35 *Interagency Council on Homelessness, nonprofit entities working*
36 *to end homelessness, and the private sector, for the purpose of*
37 *arriving at specific strategies to end homelessness.*

38 (4) *To promote systems integration to increase efficiency and*
39 *effectiveness.*

1 (5) To coordinate existing funding and applications for
2 competitive funding.

3 (6) To make policy and procedural recommendations to
4 legislators and other government entities.

5 (7) To identify and seek money to end homelessness, including,
6 but not limited to, federal and philanthropic funding opportunities.

7 (8) To broker agreements between state agencies and
8 departments and between state agencies and departments and
9 local jurisdictions to align and coordinate resources, reduce
10 administrative burdens of accessing existing resources, and foster
11 common applications for services, operating, and capital funding.

12 (9) To serve as the single statewide homelessness planning and
13 policy development resource.

14 (10) To report to the Governor, federal Cabinet members, and
15 the Legislature on homelessness and work to reduce homelessness.

16 (11) To ensure accountability and results in meeting the
17 strategies and goals of the council.

18 (c) The Governor shall appoint up to 15 members of the
19 Coordinating Council as follows:

20 (1) A representative of the Governor's office.

21 (2) A representative of the Department of Social Services.

22 (3) A representative of the California Housing Finance Agency.

23 (4) A representative of the Department of Health Care Services.

24 (5) A representative of the Department of Veterans Affairs.

25 (6) A representative of the Department of Corrections and
26 Rehabilitation.

27 (7) People who are, or have been, homeless in California, to
28 the extent funding is available to pay for travel costs and stipends.

29 (8) Representatives of local agencies or organizations that
30 participate in the United States Department of Housing and Urban
31 Development's Continuum of Care Program.

32 (9) State advocates and other members of the public or state
33 agencies, according to the Governor's discretion.

34 (d) The members of the council shall serve at the pleasure of
35 the Governor. The Governor shall appoint a chairperson, who
36 may rotate among members at terms set by the Governor.

37 (e) The members shall serve without compensation, except that
38 members who are, or have been, homeless may receive
39 reimbursement for travel, per diem, or other expenses.

1 (f) *The Assistant Director for Homeless and Housing Policy*
2 *within the Department of Housing and Community Development*
3 *shall provide staff for the council.*

4 8263. *There is hereby established in the State Treasury the*
5 *Homeless Trust Fund. Moneys in the fund shall consist of funds*
6 *awarded to the state through philanthropic, federal, or other grants*
7 *the Coordinating Council, or departments within the Coordinating*
8 *Council, receive that are not otherwise designated to be*
9 *administered by another agency and that are expressly restricted*
10 *for use only for the purposes set forth in this chapter. Moneys in*
11 *the fund are hereby continuously appropriated as follows:*

12 (a) *For the purposes of the grant.*

13 (b) *For the administrative costs of the Coordinating Council,*
14 *when appropriate and available.*